

ORDINANCE NO. 2012-59

AN ORDINANCE

establishing the rates to be charged by the City's Engineering Division to 1) review the design documents for, and inspect the construction of, public works improvements in conjunction with subdivision, development and redevelopment of real property by private parties and 2) to provide required site inspection and document review for Street Break Permit applications; and amending sections 12.20.010, 12.20.020 and 8.72.010 of the City of Yakima Municipal Code.

WHEREAS, the City of Yakima (City) is authorized by Title 35 RCW to establish design and construction standards for public works improvements within the City limits, and;

WHEREAS, it is the City Engineer's responsibility to ensure that these standards are used for public work improvements performed by private parties, and;

WHEREAS, it is prudent that the City Engineer be compensated by the Owners/Developers for whom the review and inspections are performed, and;

WHEREAS, Section 12.01.050 of the Yakima Municipal Code states that a schedule of fees for such review and inspection should be developed and adopted; and,

WHEREAS, the City Council determines that the review and inspection fees contained in this Ordinance are fair, just and reasonable, Now, Therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA

Section 1. Section 12.20.010 of Title 12 of the City of Yakima Municipal Code is amended to read as follows:

12.20.010 Review and Inspection Fee for Public Work Improvements

The review and inspection fee shall be based on the construction cost estimate obtained from the Public Works Improvement Bid Item Prices sheet provided in YMC 12.20.030. For items that are not included in YMC 12.20.030, the Consulting Engineer shall provide the per unit cost to be reviewed and approved by the City Engineer. The review and inspection fees shall be calculated as follows:

- ◆ 14% of the calculated construction cost up to \$25,000, plus 12% of the calculated construction cost between \$25,000 and \$50,000, plus 10% of the calculated construction cost, for costs in excess of \$50,000.

Section 2. Section 12.20.020 of Title 12 of the City of Yakima Municipal Code is amended to read as follows:

12.20.020 Payment

Payment of the review and inspection fees shall be as follows:

- ◆ \$250.00 shall be paid at the time of plans are submitted to the City Engineer and shall be a non-refundable charge.
- ◆ Remainder of fee balance, if any, shall be paid following review and prior to approved plans being released to the Consulting Engineer/Owner/Developer.

Section 3. Section 8.72.010 of Title 8 of the City of Yakima Municipal Code is amended to read as follows:

8.72.010 Permit required—Fee.

A. Permit Required—Administration of Chapter.

- (1) It is unlawful for any person, firm or corporation to dig up, break, excavate, use, occupy, tunnel, undermine or in any way obstruct or disturb any street, alley, sidewalk, highway, thoroughfare or other public place, or fill in, place, leave or deposit in or upon any sidewalk or public place any article, material or thing whatsoever tending to obstruct, disturb or interfere with the free use of the same, without first having obtained a permit therefor. The issuance of such permits and the administration and enforcement of provisions of this chapter shall be performed by the office of the director of community and economic development or designee.
- (2) In case of an emergency arising outside of office hours when an immediate excavation may be necessary for the protection of life and property, it shall be reported to the director of community and economic development or designee on the first working day thereafter. The permit for said work shall be obtained at the time of reporting.
- (3) Classification. For the above-described purpose of regulating excavations and obstructions by permits, there are established two classifications of permits: one to be known as the "utility classification," and the other to be known as the "non-utility classification." The utility classification shall include all such permits issued to franchise utilities or their subcontractors for such work incidental to installation, repair, modification, or removal of utility lines or related components. The non-utility classification shall include all other permits issued.

B. Fee.

- (1) Basic Fee. A basic fee shall be paid by the applicant for each permit issued pursuant to this chapter. Effective January 15, 2013, there are imposed the following permit fees:
 - (a) Utility Classification: One Hundred dollars per permit for the first hour or part thereof which shall include (1) on-site inspection and (2) one-half of the street inspector's time traveling to and from each site; provided, that each hour of inspection after the initial hour shall be charged at Sixty dollars per hour or prorated to the nearest one-quarter hour if less than one hour.
 - (b) Non-Utility Classification: One Hundred dollars per permit.
- (2) Additional Fee.
 - (a) In the event a permit issued pursuant to this chapter allows the digging up, breaking, excavation or undermining of any city street within a period of five years following its initial construction or following a major reconstruction of its driving surface, then an additional permit fee shall be paid by the applicant, the amount of which additional fee shall be equal to the estimated cost of restoring the street to its original condition prior to the performance of the work for which the permit is issued. The additional fee required by this subsection is separate from, but equivalent to, such cost of restoration; and payment of the additional fee does not relieve the

permit holder from complying with requirements of this chapter to restore the street to its original condition at the expense of the permit holder.

(b) The "additional fee" shall not apply when an emergency exists because of unforeseen disruption of utility services which is located in public rights-of-way requiring immediate repair to protect life and property. Further, the "additional fee" shall not apply when it can be reasonably determined by the director of public works that the necessity to dig up, break, excavate, or undermine a newly constructed or reconstructed street within the five-year period could not reasonably have been foreseen.

(c) Prior to the new construction or major reconstruction of any street, the owners of record of all property abutting on the street and all utility service firms operating pursuant to a city franchise will be notified in advance of commencement of the work so as to allow reasonable time for the installation, adjustment or extension of underground lines and associated structures.

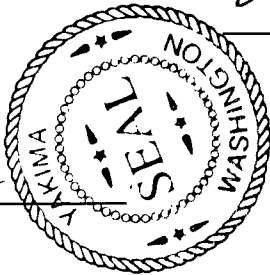
(d) Revenue from the additional fee required by this subsection shall be deposited in the street maintenance account of the street division for general city street maintenance purposes.

Section 4. This ordinance shall be in full force and effect 30 days after its passage, approval and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 11th day of December, 2012.

ATTEST:


City Clerk





Micah Cawley, Mayor

Publication Date: December 14, 2012

Effective Date: January 13, 2013